

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

Case No:

COMPLAINT AND JURY DEMAND

Plaintiff Massachusetts Institute of Technology (“MIT”), by its attorneys Proskauer Rose LLP, brings this action for patent infringement against Micron Technology, Inc. (“Micron”).

Parties

1. Plaintiff MIT is an educational and research institution organized under the corporate laws of the Commonwealth of Massachusetts, with a principle place of administration in Cambridge, Massachusetts.

2. On information and belief, Defendant Micron purports to be one of the world’s leading providers of advanced semiconductor solutions, focused on memory, storage and imaging semiconductor products. On information and belief, Defendant Micron has its corporate headquarters at 8000 South Federal Way, Boise, Idaho.

Jurisdiction and Venue

3. This case arises under the patent laws of the United States, 35 U.S.C. § 1 et seq. This Court has subject matter jurisdiction over this Complaint pursuant to 28 U.S.C. §1331 and 1338.

4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) & (c), and 1400.

COUNT I
Micron's Infringement of the '309 Patent

5. The allegations of paragraphs 1 through 4 are incorporated by reference into this Count I as though fully set forth herein.

6. MIT is the assignee of U.S. Patent No. 4,890,309 (the "'309 Patent").

7. The '309 Patent was duly issued by the United States Patent and Trademark Office, and is valid and enforceable.

8. The '309 Patent describes a lithography mask whose material and thickness are selected to both pass a fraction of incident electromagnetic radiation and to phase shift the radiation relative to radiation passing through open features of the mask by approximately an odd multiple of π -radians in order to reduce deleterious diffraction effects. On information and belief, the fabrication processes for virtually all advanced integrated circuits make use of the attenuating phase shift mask technology covered by the '309 Patent.

9. On information and belief, Micron makes, uses, offers to sell, sells within the United States, and/or imports into the United States, products that are manufactured through use of the technology covered by the '309 Patent, thereby infringing, contributing to the infringement of, and/or inducing infringement of one or more claims of the '309 Patent.

10. MIT representatives and counsel contacted Micron's counsel and management on several occasions. Micron has refused to respond to MIT's offers of a license to this patent, or inquiries for further information about Micron's mask designs.

11. On information and belief, Micron's infringing activity has been, and continues to be done, with knowledge of the '309 Patent, and is willful conduct which would result in enhanced damages under 35 U.S.C. § 284.

12. MIT has been, and is being, irreparably harmed, and has incurred, and will continue to incur, damages as a result of Micron's willful infringement of the '309 Patent.

REQUEST FOR RELIEF

WHEREFORE, MIT prays for judgment against Micron as follows:


- (a) Declaring that Micron has infringed the '309 Patent;
- (b) Awarding MIT all relief available under the patent laws of the United States, including but not limited to monetary damages, including prejudgment interest and enhanced damages, based on Micron's willful infringement of the '309 Patent;
- (c) Awarding MIT its costs and reasonable attorney's fees in respect thereto in accordance with 35 U.S.C. §§ 284-85; and
- (d) Granting MIT such other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

MIT demands a trial by jury on all issues so triable.

Respectfully Submitted,

Massachusetts Institute of Technology,
By its Attorneys,



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